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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,637	09/19/2005	Martin A Clements	AGTZ 2 00051	2169

27885 7590 10/31/2006

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EXAMINER

TRIEU, THERESA

ART UNIT	PAPER NUMBER
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3748

DATE MAILED: 10/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/521,637	CLEMENTS ET AL.	
	Examiner	Art Unit	
	Theresa Trieu	3748	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 16 and 17 is/are rejected.
- 7) ☒ Claim(s) 13-15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Jan. 19, 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>Jan. 19, 2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Receipt and entry of Applicants' Preliminary Amendment filed on January 19, 2005 is acknowledged.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 2, 4-8, 10-12, 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by any of Sasaki et al. (Sasaki) (Publication Number JP 02-086982) or Carner (Patent Number 3,143,079).

Regarding claims 1, 2, 4-8, 10-12, 16 and 17, Sasaki (as shown in Figs. 1-3) or in Carner (as shown in Figs. 1) discloses in a fuel delivery system having a housing that rotatably receives a rotor in carrying vanes (22 in Sasaki; 28 in Carner) thereon and received within a rotatable cam ring (7 in Sasaki; 29 in Carner) located between the housing and the rotor and freely rotatable relative to each of the housing and rotor, the bearing assembly comprising: a hydrostatic and hydrodynamic bearing member (6, 8, 9 in Sasaki; not numbered; however, clearly see in Fig. 2 in Carner) including an annular surface having a central opening dimensioned to receive the associated cam ring therein, the annular surface including a first/high pressure pad and a second/low pressure pad substantially diametrically opposite the first pad, and first and second lands (see Fig. 1 in Sasaki; see Fig. 2 in Carner) separating the first and second pads for centering the associated cam ring during operation; the circumferential extent of the first

pad being at least as great as an inner diameter of the associated cam ring (7 in Sasaki; 29 in Carner); the first and second pads being formed by circumferentially extending grooves that extend an entire width of the bearing; means (18, 19 in Carner) for preventing rotation of the bearing member and preventing relative sliding between the cam ring and the bearing member; the bearing assembly (6-9 in Sasaki; see Fig. 2 in Carner) comprising of the yoke (8 in Sasaki; 17 in Carner) and cam ring (7 in Sasaki; 29 in Carner); the cam ring being adapted for linear translation relative to the housing to minimize pressure pulsations during operation of the fuel delivery system.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki in view of design choice.

Sasaki discloses the invention as recited above; however, Sasaki fails to disclose circumferential ends of the second pad being wider than circumferential ends of the first pad.

It is examiner's position that one having ordinary skill in the rotary compressor art, would have found it obvious to utilize the size of the circumferential ends of the second pad being different from the size of the circumferential ends of the first pad; since they are merely design parameters, depending on temperature, pressure, or stress acted/applied on the vane. Moreover, there is nothing in the record which establishes that the claimed the size of the circumferential ends of the second pad, presents a novel of unexpected result (See *In re Kuhle*, 526 F.2d 553, 188 USPQ 7 (CCPA 1975)).

Allowable Subject Matter

3. Claims 13-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Prior Art

The IDS (PTO-1449) filed on Jan. 19, 2005 has been considered. An initialized copy is attached hereto.


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and consists of four patents: Gurley (U.S. Patent Number 1,671,240), Meyerhoefer (U.S. Patent Number 2,241,824), Fuji et al. (U.S. Patent Number 5,518,380), and Sakamaki et al. (Publication Number JP 59-108891), each further discloses a state of the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa Trieu whose telephone number is 571-272-4868. The examiner can normally be reached on Monday-Friday 8:30am- 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion can be reached on 571-272-4859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TT
October 24, 2006



Theresa Trieu
Primary Examiner
Art Unit 3748